IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2418 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE D.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PATEL GAUTAMBHAI BHAICHANDBHAI

Versus

REGIONAL PASSPORT OFFICE

Appearance:

1. Special Civil Application No. 2418 of 2002

MR MURALI N DEVNANI for Petitioner No. 1

MR DN PATEL for Respondent No. 1

CORAM : MR.JUSTICE D.K.TRIVEDI

Date of decision: 19/02/2002

ORAL JUDGEMENT

Rule. Mr. D.N.Patel, learned Standing Counsel appearing for the Government of India waives service of Rule on behalf of the respondent. Heard Ms. Amin,

learned advocate for the petitioner and Mr. Patel, learned standing counsel for the respondent. During the hearing, Ms. Amin has taken me through the petition and documents attached thereto.

2. The petitioner has prayed that necessary direction be given to the respondent authority to decide the representation made by the petitioner dated 2.2.2002, wherein, the petitioner has requested for correcting the date of of birth of the petitioner as well as place of birth. It is an admitted fact that the petitioner had got passport, after expiry of earlier passport of the year 1988 and the new passport was received and the Passport Authority has while issuing new passport on 30th July, 1998 had mentioned the date of birth of the petitioner as 9th July, 1967 and the birth place of the petitioner was found as Kamrej District Surat. The petitioner has annexed the documents namely, village form No. 14 issued by the Register of Birth and Death of village Umbhel, Taluka Kamrej for the year 1967 as well as the School leaving certificate issued by the School Authority namely, the Principal, Shri B.N.Bhakta High School dated 13th June, 1983, wherein, the date of birth of the petitioner is shown as 24th July, 1967 and the birth place is shown as Kamrej. The birth certificate registered in the Register of Birth and Death of village Umbhel shows that the petitioner was borne on 24th July, 1967 and the petitioner was borne at village Umbhel, Taluka : Kamrej. The register is also of the year 1967. It is to be noted that the said certificate was issued by the Village Authority in the month of May, 2001. The application of the petitioner addressed to Authority dated 2.2.2002 is pending, wherein, the petitioner has requested for effecting the change of birth date as well as place of birth of the petitioner.

2. In the aforesaid facts and circumstances and as highlighted in the petition that the actual birth date as found from the birth certificate issued by Talati-cum-Mantri, Umbhel, Taluka : Kamrej shows that the birth date of the petitioner is 24th July, 1967 and place of birth of the petitioner is village Umbhel, Taluka : Kamrej as per the birth certificate dated 24.5.2001, it will be in the fitness of the thing, the authority is required to consider for effecting the change of birth date in the pass port of the petitioner. Accordingly, the respondent authority is directed to consider the request made by the petitioner for change of birth date and place of birth in the pass port of the petitioner issued by the authority and if, it is fit genuine, the authority is directed to effect the change

as requested by the petitioner and necessary steps be taken for correcting the birth date and place of birth of the petitioner in the pass port.

3. With these observations, this petition is disposed of. It is further directed consider the representation of the petitioner as expeditiously as possible and the respondent authority will be at liberty to pass appropriate order with regard to the costs of proceedings of new pass port and the petitioner is required to pay all the costs. Direct service permitted.

(D.K.Trivedi,J.)

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